

FY 2003-2004 Tennessee Weighted Caseload Study Update



John G. Morgan
Comptroller of the Treasury
Office of Research
February 2005



STATE OF TENNESSEE

COMPTROLLER OF THE TREASURY

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February 2, 2005

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the 2003-04 Weighted Caseload Study Update, a special study prepared by the Office of Research as required by Tennessee Code Annotated, Section 16-2-513. The study compiles and analyzes the filings, workload, and Full Time Equivalents (FTEs) for each judicial district and the state as a whole. It reports filings, workload, and subsequent need for FTEs by district. It also examines the lack of inclusion of drug court reviews. I hope you find this information helpful in your policy making process with regard to judicial resources.

Sincerely,

John G. Morgan
Comptroller of the Treasury

FY 2003-2004 Tennessee Weighted Caseload Study Update



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Executive Summary

The 1997 appropriations bill passed by the General Assembly required the Comptroller's Office to conduct a judicial weighted caseload study to provide policy makers an objective means to determine the need for judicial resources. The Comptroller's Office contracted with the National Center for State Courts in 1998 to conduct a time study to determine the case weights now used to calculate workload and full time equivalents (FTEs) needed by each judicial district.¹ *Tennessee Code Annotated*, Section 16-2-513, requires the Comptroller of the Treasury to update the judicial weighted caseload study annually. The estimated number of FTEs needed is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judge year.

The quantitative weighted caseload model approximates judicial workload and provides a foundation for policymakers to assess the need for judicial resources, but it has limitations. The state should consider other qualitative court-specific factors, in addition to workload, when assessing the need for judicial resources.²

The 103rd General Assembly passed Public Chapter 55 creating three new judgeships in Davidson County. Two of the judges took office on September 11, 2003 and the third on October 10, 2003, approximately one third of the way through the fiscal year that began on July 1, 2003. Therefore, these judges have been included in this year's calculations as .75 FTE's for estimating District 20's caseloads during the 2003-04 fiscal year.

In FY 2004, 197,115 cases were filed in Tennessee's state courts. Domestic relations cases accounted for the largest portion at 34 percent followed by civil cases (27 percent) and felonies (20 percent). Overall filings increased minimally over the previous year with a net increase of 3,558 or less than two percent. The largest increase in filings for FY 03-04 are "probate" followed by "felonies" and "misdemeanors." The numbers of civil and domestic cases have remained somewhat constant, while probate cases have increased significantly (19.92 percent) this year after dipping slightly in 2002 and 2003. For the most part, between FY 2000-2004, felonies and misdemeanor cases have increased steadily. In FY 2004, criminal other case filings dropped below 2000 levels.

Corresponding with the increase in filings and workload, the need for judicial resources has increased each year. Based on FY04 case filings and workload, the state has a net deficit of -3.96 FTEs. While overall filings increased minimally in 2004, the two case types with the highest increases in filings, probate and felonies have the second and third highest weights indicating they require significant time to process. In all but three districts (12, 22, and 30), current judicial resources come within one FTE of 2004 needs according to the weighted caseload model. Districts 12 and 22 appear to need just over one additional judge, while District 30 has an excess of approximately 3.5 FTEs, down one from 2003 estimates.

Additional judges in District 20 have reduced the deficit of judicial resources in that district for 2004. The three new judges took office in September and October of 2003. Therefore, analysts included them in the 2004 calculations of needed resources as .75 FTEs each. District 20 now shows a minimal excess of .11 FTEs. Model calculations for 2005 will include these judgeships as three whole FTEs.

AOC officials state that in FY 2004, all courts collected and reported caseload data according to the standards set forth in TCA§16-1-117(a). However, current case definitions and reporting standards do not accurately capture time spent on cases in Tennessee's Drug Courts.

¹ See Appendix A for complete explanation of the study methodology and formulas.

² See Appendix B for more complete explanation of qualitative issues cited from the original study.

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Introduction and Background

The 1997 appropriations bill passed by the General Assembly required the Comptroller's Office to conduct a judicial weighted caseload study to provide policy makers an objective means to determine the need for judicial resources. The Comptroller's Office contracted with the National Center for State Courts in 1998 to conduct a time study to determine the case weights that are now used to calculate workload and full time equivalents (FTEs) needed by each judicial district.¹

Tennessee Code Annotated (T.C.A.), 16-2-513, requires the Comptroller of the Treasury to update the judicial weighted caseload study annually to assess the workload and need for judicial resources, or Full Time Equivalents (FTEs). The estimated number of FTEs courts need is calculated by multiplying the total number of case filings by case weights (average minutes per case for each type of case) and dividing that number by the judge year.

The quantitative weighted caseload model can approximate judicial workload and the need for judicial resources, but it has limitations. The study provides qualitative information that affects the workload of judges such as the number of child support referees and clerks and masters. The state should always consider these and other court-specific factors when assessing the need for judicial resources.²

The 103rd General Assembly passed Public Chapter 55 creating three new judgeships in Davidson County. Two of the judges took office on September 11, 2003 and the third on October 10, 2003, approximately one third of the way through the fiscal year that began on July 1, 2003. Therefore, these judges have been included in this year's calculations as .75 FTE's for estimating District 20's caseloads during the 2003-04 fiscal year.

Analysis and Conclusions

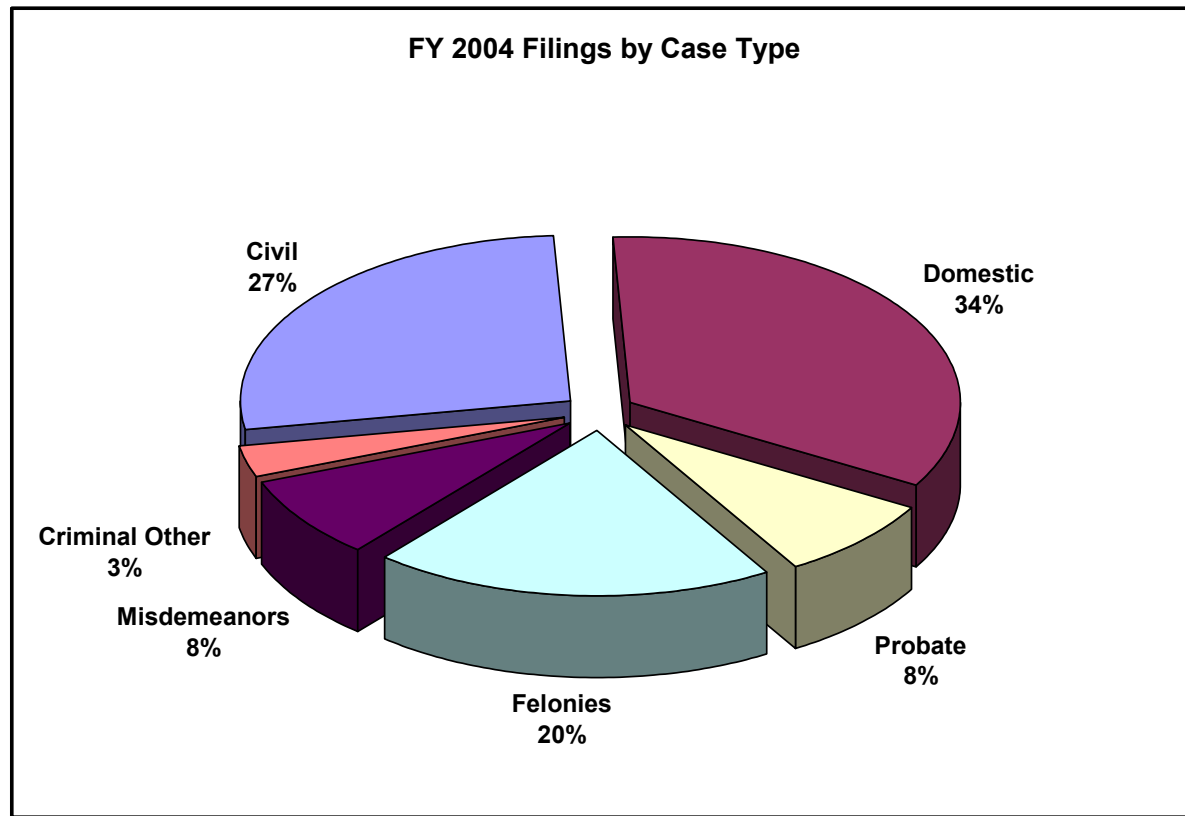
Filings

In FY 2004, 197,115 cases were filed in Tennessee's state courts. Domestic relations cases accounted for the largest portion at 34 percent followed by civil cases (27 percent) and felonies (20 percent).

¹ See Appendix A for complete explanation of the study methodology and formulas.

² See Appendix B for more complete explanation of qualitative issues from the original study.

Exhibit 1



Source: Chart produced by Office of Research Staff with data from the Administrative Office of the Courts.

Overall filings increased minimally over the previous year with a net increase of 3,558 or less than two percent. However, some case type filings decreased while others increased significantly. (See Exhibit 2.)

Exhibit 2: Case Filing Trends by Case Type

Case Type	FY 00	FY 01	FY 02	FY 03	FY04	Change 03-04	Percent Change
Civil	52,598	52,445	52,842	54,240	53,265	-975	-1.8
Domestic	68,517	67,718	66,306	65,769	67,384	1,615	2.5
Probate	13,208	13,940	12,888	12,869	15,433	2,564	19.9
Felonies	32,311	32,243	35,134	36,310	39,297	2,987	8.2
Misdemeanors	13,578	13,800	13,244	14,727	15,614	887	6.0
Criminal Other	6,768	6,910	7,539	9,642	6,122	-3,520	-36.5
Totals	186,980	187,056	187,953	193,557	197,115	3,558	1.84
<i>Source: Administrative Office of the Courts</i>							

The largest increase in filings for FY 03-04 are “probate” followed by “felonies” and “misdemeanors.” The numbers of civil and domestic cases have remained somewhat constant, while probate cases have increased significantly (19.92 percent) this year after dipping slightly in 2002 and 2003. For the most part, between FY 2000-2004, felonies and misdemeanor cases have increased steadily. In FY 2004, criminal other case filings dropped below 2000 levels.

Exhibit 3 shows the total filings for each case type from all districts for each year between FY 2000-04 along with the change in number and percent for each year, and total change from FY 2000-04. (See Appendix C for spreadsheets with trends and ranking by total filings, and felony, misdemeanor, and criminal other filings for all districts.)

Exhibit 3

Total State Filings by Case Type and Year						Number and Percent Change in Case Filings by Year									
Case Type	FY 00	FY 01	FY 02	FY 03	FY 04	FY 00 to FY 01		FY 01 to FY 02		FY 02 to FY 03		FY 03 to FY 04		FY 00 to FY 04	
						#	%	#	%	#	%	#	%	#	%
Civil	52,598	52,445	52,842	54,240	53,265	-153	-0.29%	397	0.76%	1,398	2.65%	-975	-1.80%	667	1.27%
Domestic	68,517	67,718	66,306	65,769	67,384	-799	-1.17%	-1,412	-2.09%	-537	-0.81%	1,615	2.46%	-1,133	-1.65%
Probate	13,208	13,940	12,888	12,869	15,433	732	5.54%	-1,052	-7.55%	-19	-0.15%	2,564	19.92%	2,225	16.85%
Felonies	32,311	32,243	35,134	36,310	39,297	-68	-0.21%	2,891	8.97%	1,176	3.35%	2,987	8.23%	6,986	21.62%
Misdemeanors	13,578	13,800	13,244	14,727	15,614	222	1.63%	-556	-4.03%	1,483	11.20%	887	6.02%	2,036	14.99%
Criminal Other	6,768	6,910	7,539	9,642	6,122	142	2.10%	629	9.10%	2,103	27.89%	-3,520	-36.51%	-646	-9.54%
Total	186,980	187,056	187,953	193,557	197,115	76	0.04%	897	0.48%	5,604	2.98%	3,558	1.84%	10,135	5.42%

Source: Calculations by Office of Research staff based on data provided by the AOC, 2004.

Full Time Equivalents

Based on FY 2004 case filing data and workload, the state has a net deficit of -3.96 FTEs. (See Exhibit 4.)

Exhibit 4

Yearly Trend in Number of Judicial Resources (FTEs)					
State Net FTEs	FY 00	FY 01	FY 02	FY 03	FY 04
Total Judicial Resources (FTEs)	151	151	151	151	153.75
Total Judicial Resources Needed (FTEs)	147.74	148.1	149.78	154.32	157.21
Net (excess or deficit in Judicial Resources)	3.26	2.90	1.22	-3.32	-3.96

Source: Calculations by Office of Research staff based on data provided by the AOC, 2004.

Corresponding with the increase in filings and workload, the need for judicial resources has increased each year. While overall filings increased minimally in 2004, the two case types with the highest increases in filings, probate and felonies have the second and third highest weights indicating they require significant time to process. In all but three districts (12, 22, and 30), current judicial resources come within one FTE of 2004 needs according to the weighted caseload model. Districts 12 and 22 appear to need just over one additional judge, while District 30 has an excess of approximately 3.5 FTEs, down one from 2003 estimates.

Exhibit 5

Difference Between Actual Number of Full Time Equivalents (FTE's) and Need for FTEs by District for FY 00 to FY 04					
Judicial Districts (Counties)	Year				
	FY 00	FY 01	FY 02	FY 03	FY 04
District 1 (Carter, Johnson, Unicoi, and Washington)	0.91	1.08	0.63	0.21	0.07
District 2 (Sullivan)	0.45	0.41	0.17	-0.15	-0.32
District 3 (Greene, Hamblen, Hancock, and Hawkins)	0.05	0.01	-0.03	0.02	-0.12
District 4 (Cocke, Grainger, Jefferson, and Sevier)	-0.08	-0.02	0.09	-0.27	-0.74
District 5 (Blount)	-0.11	-0.22	-0.16	0.33	0.47
District 6 (Knox)	-1.04	-0.85	-0.47	-0.77	-0.59
District 7 (Anderson)	-0.15	-0.29	-0.17	-0.25	-0.46
District 8 (Campbell, Claiborne, Fentress, Scott, and Union)	-0.05	-0.09	-0.18	-0.24	-0.39
District 9 (Loudon, Meigs, Morgan, and Roane)	1.35	1.20	0.93	1.01	0.79
District 10 (Bradley, McMinn, Monroe, and Polk)	0.33	-0.02	0.08	-0.76	-0.45
District 11 (Hamilton)	0.30	0.59	0.37	-0.07	-0.52
District 12 (Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie)	-0.56	-0.39	-0.64	-0.91	-1.07
District 13 (Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White)	1.19	0.31	0.84	0.53	0.02
District 14 (Coffee)	0.66	0.62	0.48	0.30	0.21
District 15 (Jackson, Macon, Smith, Trousdale, and Wilson)	0.60	0.48	0.21	-0.15	-0.38
District 16 (Cannon and Rutherford)	0.43	0.31	0.02	-0.03	-0.02
District 17 (Bedford, Lincoln, Marshall, and Moore)	0.02	-0.07	-0.20	-0.30	-0.48
District 18 (Sumner)	-0.26	-0.45	-0.46	-0.71	-0.62
District 19 (Montgomery and Robertson)	0.04	0.04	0.05	-0.03	-0.14
District 20 (Davidson)	-1.81	-2.42	-3.02	-4.52	0.11
District 21 (Hickman, Lewis, Perry, and Williamson)	0.63	0.40	0.21	0.20	0.13
District 22 (Giles, Lawrence, Maury, and Wayne)	-1.15	-0.39	-0.59	-0.92	-1.36
District 23 (Cheatham, Dickson, Houston, Humphreys, and Stewart)	-0.21	-0.16	-0.41	-0.44	-0.83
District 24 (Benton, Carroll, Decatur, Hardin, and Henry)	0.07	0.25	0.14	0.29	0.35
District 25 (Fayette, Hardeman, Lauderdale, McNairy, and Tipton)	-0.08	0.12	-0.19	-0.06	-0.16
District 26 (Chester, Henderson, and Madison)	0.28	0.37	0.38	0.38	-0.07
District 27 (Obion and Weakley)	-0.06	-0.28	-0.17	-0.30	-0.30
District 28 (Crockett, Gibson, and Haywood)	-0.11	-0.25	-0.20	-0.32	-0.43
District 29 (Dyer and Lake)	0.37	0.31	0.33	0.35	0.16
District 30 (Shelby County)	1.49	2.77	3.64	4.56	3.54
District 31 (Van Buren and Warren)	-0.30	-0.47	-0.46	-0.31	-0.33
Total Excess or Deficit FTEs	3.26	2.90	1.22	-3.32	-3.96

Source: Calculations by Office of Research staff based on data provided by the AOC, 2004.

Qualitative Issues

Additional judges in District 20 have reduced the deficit of judicial resources in that district for 2004. The three new judges took office in September and October of 2003. Therefore, analysts included them in the 2004 calculations of needed resources as .75 FTEs each. District 20 now shows a minimal excess of .11 FTEs. Model calculations for 2005 will include these judgeships as three whole FTEs.

All courts now comply with data reporting standards. AOC officials state that in FY 2004, all courts collected and reported caseload data according to the standards set forth in *T.C.A. 16-1-117(a)*.

Current case definitions and reporting standards do not accurately capture time spent on cases in Tennessee's Drug Courts. Tennessee has 31 drug courts in eleven counties. As a part of the special program in those courts for nonviolent drug offenders, judges review progress frequently over a period of 12-24 months. All drug court judges require weekly appearances for the first few months to a year and then phase out court appearances slowly going from every two weeks to every third week and then to once a month. Annual filing numbers include cases handled in these courts the same as other cases. However, caseload data and current case weights do not accurately reflect the additional judicial time and resources required by this enhanced program. AOC officials estimate that judges handle over 18,000 of these labor-intensive drug court cases annually.

Evaluations of drug courts in Shelby and Davidson Counties showed these programs' effectiveness in reducing recidivism among program graduates. Further analysis indicates that the operational costs of these courts are less than incarceration for drug court-eligible individuals.³

Recommendation

The General Assembly may wish to consider amending *T.C.A. 16-1-117* to allow for counting of Drug Court Case reviews. Consideration of all Drug Court activities will increase the accuracy of calculations of resource needs in those districts.

³ Comptroller of the Treasury, *Tennessee's Court System: Is Reform Needed?*, January 2004, p. 21.

APPENDIX A: Weighted Caseload Study Methodology

History and Methodology to Conduct the Time Study and Calculate Case Weights

For the Original Judges' Weighted Caseload Study in 1998¹

History

In 1997, House Amendment 940 to the appropriations bill directed the Comptroller of the Treasury to conduct a study of the state judicial system. The Comptroller contracted with the National Center for State Courts (NCSC) in May of 1998 to conduct a weighted caseload study.

The weighted caseload model requires a time study whereby judges track time spent on various case types during a specified time period. The NCSC consultants then used time study information with disposition data for the same time period to construct a “case weight” for each case type. The weights are designed to consider the varying levels of complex cases a court may experience.

For the judge, public defender, and district attorney studies, the state established a steering committee to assist and make decisions in conjunction with the three consultant groups. The steering committee was composed of the AOC Director, members of the judiciary from the 13th, 16th, 30th Districts, the Executive Director of the District Attorneys General Conference, District Attorneys General from the 2nd, 8th, and 20th Districts, the Executive Director of the District Public Defenders Conference, Public Defenders from the 5th, 24th, and 26th Districts, the Deputy Executive Director of the Tennessee Bar Association, a state representative, a state senator, and representatives from Lt. Gov. John Wilder's Office, Speaker Jimmy Naifeh's Office, and the Comptroller's Office.

Methodology

The study includes calculations of case weights, workload, judge year, adjusted judge year, full time equivalents, and case filings. Case types have to be established and a time study has to be conducted.

Case Types

The circuit, criminal, and chancery courts in Tennessee report 43 case types to the AOC. Together with the consultant groups, the steering committee collapsed the 43 case types into six to ensure enough data in each category to avoid sampling error and ensure valid conclusions. The consultants included enough case types to develop realistic and reasonable weights. The Steering Committee then grouped cases by similar type and complexity into the following categories²:

1. Civil (includes civil appeals)
2. Domestic
3. Probate
4. Felonies
5. Misdemeanors
6. Criminal Other (includes criminal appeals)

Categories of Case Events³

The steering committee also decided case events:

1. Pre-Trial Hearings/Motions
2. Bench Trial/Juvenile Adjudication

¹ National Center for State Courts, *Tennessee Judicial Weighted Caseload Model, Final Report*, May, 1999. Original study and all subsequent updates can be found on the internet at <http://www.comptroller.state.tn.us/orea/reports/index.htm>.

² National Center for State Courts, *Tennessee Judicial Weighted Caseload Model Final Report*, May, 1999, p.14.

³ Ibid, p.15

3. Jury Trial
4. Adjudication/Non-Trial Disposition Hearings
5. Post-Trial/Adjudication/Disposition Hearings
6. Case-Related Administration
7. Non-Case Administration
8. Travel

Disposition Count

The AOC provided disposition data for the study. Although courts may count filings and dispositions differently, based on a statistical analysis done by the AOC, in a majority of cases, charges filed on a given date for a defendant had the same disposition date. Analysis of FY 97-98 found that “98% of statewide criminal dispositions for FY 97-98 that were filed on the same date for a defendant were disposed on the same date.”⁴ Furthermore, this analysis showed that “95% of statewide criminal dispositions for FY 97-98 that were disposed on the same date for a defendant were filed on the same date.”⁵ Given this, all charges against one defendant for one incident were classified as one filing, thus one disposition.

Construction of Case Weights

A case weight represents the average number of minutes required to process each case type. The case weight does not include the time expended on non-case related work or travel time. These two categories are used, however, to calculate the judge year. The consultants constructed the case weights by taking the total number of minutes for each case type and then dividing by the number of dispositions for each case type. (See Exhibit 1.)

Exhibit 1

Case types	Case weights⁶
Civil	92
Domestic	46
Probate	71
Felonies	73
Misdemeanors	34
Criminal-Other	61

Source: National Center for State Courts, 1999.

For example, the average civil case takes approximately 92 minutes of judicial time; the average domestic case takes approximately 46 minutes.

The consultants also calculated case weights for the urban, rural, and transitional districts. From these weights, the consultants determined that it took longer to process civil, domestic, felony and misdemeanor cases in rural districts than in urban. The consultants opined that the higher volume of the urban districts allowed them to aggregate some procedures and process cases faster. They also found that urban districts are specialized into civil and criminal divisions that could permit them to process cases faster. Urban districts took longer to process probate cases, and the consultants suggested that urban districts’ probate cases could be more complex.

⁴ Ibid., p. 18.

⁵ Ibid.

⁶ Case Weights as amended by NCSC Review in December 6, 2001.

Although larger courts may have faster average processing times for cases than smaller courts, the Final Report of the Tennessee Judicial Weighted Caseload Model recommends, based on Guideline 9 in *Assessing the Need for Judges and Court Support Staff*, that a single set of case weights for judges within a state is preferable to multiple weights. However, one should evaluate differences in time requirements or case mix across courts of different sizes to determine if separate weights are needed. Another way to deal with differences engendered by economies of scale is to adjust the workloads of the districts to correct for the differences and use a single case weight.⁷

Filings Count

The AOC provided the annual filings data for the original study, the NCSC review, and ongoing weighted caseload study updates. The consultants used the filings for the previous year to validate their model for the original study. They also substantiated the accuracy of the case weights by comparing the current filings count to existing judicial resources.⁸

Calculation of the Workload

Workload is defined as the number of minutes required for a judicial district to process its caseload annually. To calculate the workload, multiply the number of filings per case type by the corresponding case weight for that case type (See Table 1). For example, using FY 99-00 data for District 1, the workload is 346,146.

Table 1: How to Calculate Workload

Case Type	Case weights⁹	District 1 FY 2000 Filings¹⁰	Workload (in minutes)
	(average number of minutes per case)	(case filings)	(case weights x filings)
Civil	92	1,343	123,556
Domestic	46	2,455	112,930
Probate	71	235	16,685
Felonies	73	1,057	77,161
Misdemeanors	34	257	8,738
Criminal-Other	61	116	7,076
Total for District 1		5,463	346,146

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Adjusted Workload

The consultants determined that the rural judicial districts had higher case weights than the statewide case weight “because of factors intrinsic to the size of the court.” The consultants subsequently increased the workload values by 15 percent for all rural judicial districts. Therefore, the adjusted workload is calculated by multiplying the workload by .15 and then adding that to the original workload.

⁷V.E. Flango and B. J. Ostrom, *Assessing the Need for Judges and Court Support Staff*, National Center for State Courts, p. ix, 1996.

⁸ This was revalidated in the review conducted by the NCSC in 2001.

⁹ Based on revised case weights per the NCSC Review December 6, 2001.

¹⁰ Based on updated filings for FY 2000 provided by the AOC, 2001.

Table 2: How to Calculate Adjusted Workload

Calculating Adjusted Workload in Minutes - Example District 3 FY 2000		
Original Workload (filings x case weights)	Rural Adjustment (workload x 15)	Adjusted Workload (workload + rural adjustment)
364,424	54,664	419,088

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Judge Year Value

The judge year value is an estimate of the time an average judge has available to process his or her workload in a year. The steering committee, with input from NCSC, estimated that a judge had eight hours per day and 217 days a year. The eight hours *does not* include time for lunch, breaks, or other interruptions. However, the judge year value must be adjusted to account for travel time and non-case related work. The consultants determined travel times by calculating the average minutes of travel per judge day and then characterizing districts by the number of courthouses, resulting in the following three categories: high travel (5-7 courthouses), medium travel (2-4 courthouses), and low travel (1 courthouse). Non-case related work is time not available for processing cases and must also be subtracted from the judge year value.

Judicial Resource Count

The AOC provided information regarding the number of judges and judicial officers per district. Judicial resources include judges and chancellors.¹¹ Clerks and Masters and Child Support Referees are included in the study as a *qualitative* measure.

Calculating Resource Needs/Full Time Equivalents

To determine the number of judicial resources needed or full time equivalents (FTEs) for a particular judicial district, the adjusted workload is divided by the adjusted judge year value. Using District 1 as an example:

Table 3: How to Calculate FTEs from Judge Year

Calculation of Judicial Resource Needs/FTEs Example for District 1 - FY 2000		
Adjusted Workload (in minutes)	Adjusted Judge Year (in minutes)	Judicial Resources Needed (Adjusted Workload ÷ Adjusted Judge Year)
346,146	84,692	4.09

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

Comparison of Actual and Needed Judicial Resources

To determine if a district has an excess or deficit of judicial resources, subtract the judicial resources needed from the actual judicial resources. For example, District 1 had five judicial resources (FTEs). The district needed only 4.08 FTEs. Five minus 4.08 equals .92. Thus, District 1 had .92 more FTE than its workload required.

¹¹ Note: Child Support Referees are no longer included in the quantitative calculation of judicial resources as they were in the original study as a result of the 2001 NCSC Review.

Table 4: How to Calculate a District's Need for FTEs

Calculation of FTE's Over or Under for District 1 (total resources – resources needed)	
Total Judicial Resources of District 1	5
Judicial Resources Needed	4.08
FTE's Over or Under	0.92

Source: Calculations by Office of Research staff from data provided by NCSC and the AOC.

The weighted caseload study model updates calculate each of these figures based on the current years total and district filings.

Appendix B: Qualitative Factors Affecting the Determination of Judicial Resources¹

Qualitative factors also can affect judicial resource needs. There can be legal *cultural* differences that result in some case types taking longer in some districts within a single state. For example, the practice styles of local attorneys often have a significant impact on case processing times. What might be considered an efficient presentation to a court in a larger city might be considered too rushed in a less pressured environment. The dynamics of local scheduling practices can also influence the interpretation of the model. In a smaller court, something as trivial as one defendant who fails to appear may waste a good part of a judge's morning if there is not other court business that can be dealt with while the judge is waiting.

Another qualitative factor to consider when interpreting the model is that the more rural areas may require additional FTEs than the model estimates to provide reasonable access to judicial services. Another qualitative factor that needs to be considered is the economies of scale that may affect the interpretation of the model. Usually in the more populated districts and larger urban courts there exists economy of scale effects that are reflected in faster processing times and the ability to process more cases in a judge year because these larger courts have the ability to work more efficiently. For example, a larger court can have a judicial division of labor that leads to specialization. This economy of scale effect is not that pronounced in the Tennessee model. There is not much difference in case processing times between the urban courts and the transitional courts. This is a different phenomenon than has been seen in other similar weighted caseload studies where the urban districts have a significant economy of scale, i.e., an ability to process a greater number of cases per judge.

While a weighted caseload model provides a baseline from which to establish the need for judges, no set of statistical criteria will be so complete that it encompasses all contingencies. In addition to the statistical information, individual characteristics of the courts must be examined before any changes to a court's judicial complement are recommended. The outline below describes a general procedure that can be undertaken if the weighted caseload estimates indicate a particular court is over- or underjudged.

1. Determine whether the judges and administrative staff of the particular court believe they need additional judicial resources through a systematic procedure to solicit local opinion. Input also should be sought from the state or local court administrator, members of the bar, and other local leaders. A procedure should be established to obtain local input in writing.
2. Examine caseload trends over time to determine whether caseloads are increasing, decreasing, or remaining steady. Attention also should be paid to whether the court has an unusual caseload mix.

¹ National Center for State Courts, *Tennessee Judicial Weighted Caseload Model Final Report*, May 1999, pp. 28-29.

3. Review court organization to ensure that the court is structured and managed to make the most effective use of additional resources.
4. Explore options that will address concern over judicial workload without increasing the number of permanent, full-time judges. Options include (a) making greater use of judicial officers, (b) hiring retired judges on a part-time or contractual basis, (c) using alternative dispute resolution, and (d) simplifying the procedures for less complex cases.
5. Keep in mind that judicial productivity, and hence the need for new judges, also depends on the effectiveness of court staff and the available technology. Without the proper type and level of support, judges may be performing some tasks that could be delegated to qualified staff or perhaps new court technology could support more efficient administrative procedures (e.g., case screening, case clustering, and case tracking).

The weighted caseload approach provides an objective measure of the judicial resources needed to resolve cases effectively and efficiently. Like any model, it is most effective as a *guide* to workloads, not a rigid formula. The numbers need to be tempered by a qualitative assessment that must be an integral part of any judicial workload assessment.

Appendix C

Misdemeanor Filings By District and Year Ranked from highest to Lowest increases and lowest to highest decreases															
						2000-01		2001-02		2002-03		2003-04		2000-2004	
District	2000	2001	2002	2003	2004	#	%	#	%	#	%	#	%	#	%
27	45	49	27	35	56	4	8.89%	-22	-44.90%	8	29.63%	21	60.00%	11	24.44%
28	96	124	156	153	243	28	29.17%	32	25.81%	-3	-1.92%	90	58.82%	147	153.13%
23	367	353	289	279	422	-14	-3.81%	-64	-18.13%	-10	-3.46%	143	51.25%	55	14.99%
7	184	150	190	153	227	-34	-18.48%	40	26.67%	-37	-19.47%	74	48.37%	43	23.37%
17	22	31	28	37	54	9	40.91%	-3	-9.68%	9	32.14%	17	45.95%	32	145.45%
3	122	108	121	114	164	-14	-11.48%	13	12.04%	-7	-5.79%	50	43.86%	42	34.43%
8	331	341	319	334	468	10	3.02%	-22	-6.45%	15	4.70%	134	40.12%	137	41.39%
4	267	203	184	194	262	-64	-23.97%	-19	-9.36%	10	5.43%	68	35.05%	-5	-1.87%
11	1,244	1,293	1,174	1,644	2,166	49	3.94%	-119	-9.20%	470	40.03%	522	31.75%	922	74.12%
26	368	369	234	251	320	1	0.27%	-135	-36.59%	17	7.26%	69	27.49%	-48	-13.04%
19	369	350	276	335	427	-19	-5.15%	-74	-21.14%	59	21.38%	92	27.46%	58	15.72%
13	833	920	822	1,007	1,202	87	10.44%	-98	-10.65%	185	22.51%	195	19.36%	369	44.30%
21	300	254	231	327	356	-46	-15.33%	-23	-9.06%	96	41.56%	29	8.87%	56	18.67%
31	96	140	107	142	152	44	45.83%	-33	-23.57%	35	32.71%	10	7.04%	56	58.33%
25	172	120	142	129	138	-52	-30.23%	22	18.33%	-13	-9.15%	9	6.98%	-34	-19.77%
20	799	842	782	879	932	43	5.38%	-60	-7.13%	97	12.40%	53	6.03%	133	16.65%
12	626	612	553	653	662	-14	-2.24%	-59	-9.64%	100	18.08%	9	1.38%	36	5.75%
6	803	618	663	674	659	-185	-23.04%	45	7.28%	11	1.66%	-15	-2.23%	-144	-17.93%
30	3,391	3,795	3,683	3,487	3,335	404	11.91%	-112	-2.95%	-196	-5.32%	-152	-4.36%	-56	-1.65%
2	174	121	116	188	175	-53	-30.46%	-5	-4.13%	72	62.07%	-13	-6.91%	1	0.57%
15	541	609	632	711	661	68	12.57%	23	3.78%	79	12.50%	-50	-7.03%	120	22.18%
18	226	208	237	225	209	-18	-7.96%	29	13.94%	-12	-5.06%	-16	-7.11%	-17	-7.52%
16	643	702	628	644	596	59	9.18%	-74	-10.54%	16	2.55%	-48	-7.45%	-47	-7.31%
22	619	536	564	768	709	-83	-13.41%	28	5.22%	204	36.17%	-59	-7.68%	90	14.54%
29	71	74	83	76	65	3	4.23%	9	12.16%	-7	-8.43%	-11	-14.47%	-6	-8.45%
14	56	92	88	137	111	36	64.29%	-4	-4.35%	49	55.68%	-26	-18.98%	55	98.21%
1	257	205	386	384	311	-52	-20.23%	181	88.29%	-2	-0.52%	-73	-19.01%	54	21.01%
10	201	230	238	379	292	29	14.43%	8	3.48%	141	59.24%	-87	-22.96%	91	45.27%
9	189	233	172	151	106	44	23.28%	-61	-26.18%	-21	-12.21%	-45	-29.80%	-83	-43.92%
5	119	74	73	163	94	-45	-37.82%	-1	-1.35%	90	123.29%	-69	-42.33%	-25	-21.01%
24	47	44	46	74	40	-3	-6.38%	2	4.55%	28	60.87%	-34	-45.95%	-7	-14.89%

Appendix C

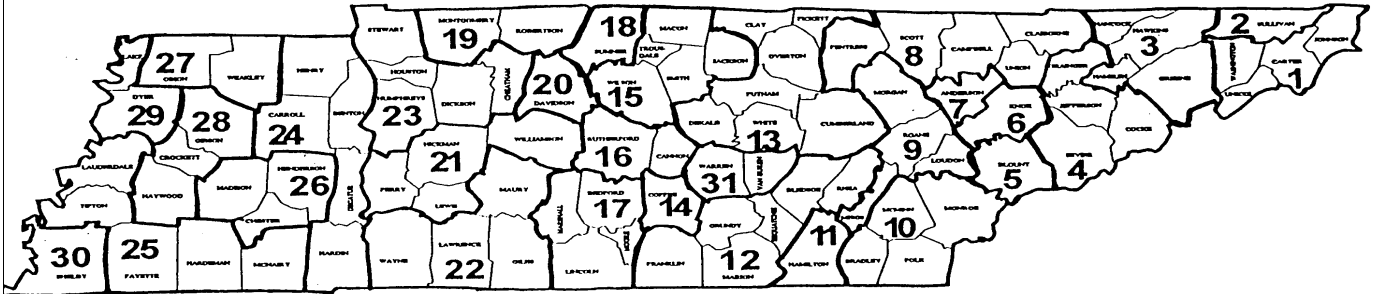
Criminal Other Filings By District and Year Ranked from highest to Lowest increases and lowest to highest decreases															
						2000-01		2001-02		2002-03		2003-04		2000-2004	
District	2000	2001	2002	2003	2004	#	%	#	%	#	%	#	%	#	%
14	16	33	43	4	28	17	106.25%	10	30.30%	-39	-90.70%	24	600.00%	12	75.00%
27	6	3	2	4	18	-3	-50.00%	-1	-33.33%	2	100.00%	14	350.00%	12	200.00%
29	13	19	17	13	58	6	46.15%	-2	-10.53%	-4	-23.53%	45	346.15%	45	346.15%
15	10	5	11	16	34	-5	-50.00%	6	120.00%	5	45.45%	18	112.50%	24	240.00%
13	37	21	21	95	196	-16	-43.24%	0	0.00%	74	352.38%	101	106.32%	159	429.73%
22	160	206	193	195	347	46	28.75%	-13	-6.31%	2	1.04%	152	77.95%	187	116.88%
3	53	55	42	40	64	2	3.77%	-13	-23.64%	-2	-4.76%	24	60.00%	11	20.75%
8	54	44	52	32	48	-10	-18.52%	8	18.18%	-20	-38.46%	16	50.00%	-6	-11.11%
24	159	93	94	63	90	-66	-41.51%	1	1.08%	-31	-32.98%	27	42.86%	-69	-43.40%
17	98	89	111	162	230	-9	-9.18%	22	24.72%	51	45.95%	68	41.98%	132	134.69%
26	38	42	86	43	57	4	10.53%	44	104.76%	-43	-50.00%	14	32.56%	19	50.00%
18	61	50	73	71	92	-11	-18.03%	23	46.00%	-2	-2.74%	21	29.58%	31	50.82%
19	40	31	57	62	79	-9	-22.50%	26	83.87%	5	8.77%	17	27.42%	39	97.50%
16	41	61	38	38	47	20	48.78%	-23	-37.70%	0	0.00%	9	23.68%	6	14.63%
30	2,875	2,657	1,720	1,643	2,024	-218	-7.58%	-937	-35.27%	-77	-4.48%	381	23.19%	-851	-29.60%
9	20	18	40	30	35	-2	-10.00%	22	122.22%	-10	-25.00%	5	16.67%	15	75.00%
23	167	110	99	196	215	-57	-34.13%	-11	-10.00%	97	97.98%	19	9.69%	48	28.74%
12	32	10	48	43	47	-22	-68.75%	38	380.00%	-5	-10.42%	4	9.30%	15	46.88%
2	287	326	381	438	477	39	13.59%	55	16.87%	57	14.96%	39	8.90%	190	66.20%
4	461	359	312	336	323	-102	-22.13%	-47	-13.09%	24	7.69%	-13	-3.87%	-138	-29.93%
6	139	95	129	125	118	-44	-31.65%	34	35.79%	-4	-3.10%	-7	-5.60%	-21	-15.11%
7	58	62	64	61	54	4	6.90%	2	3.23%	-3	-4.69%	-7	-11.48%	-4	-6.90%
28	22	34	67	85	70	12	54.55%	33	97.06%	18	26.87%	-15	-17.65%	48	218.18%
1	116	53	205	306	236	-63	-54.31%	152	286.79%	101	49.27%	-70	-22.88%	120	103.45%
31	7	12	2	4	3	5	71.43%	-10	-83.33%	2	100.00%	-1	-25.00%	-4	-57.14%
21	42	43	200	190	124	1	2.38%	157	365.12%	-10	-5.00%	-66	-34.74%	82	195.24%
11	213	160	250	214	120	-53	-24.88%	90	56.25%	-36	-14.40%	-94	-43.93%	-93	-43.66%
5	19	17	24	16	8	-2	-10.53%	7	41.18%	-8	-33.33%	-8	-50.00%	-11	-57.89%
10	38	107	143	232	114	69	181.58%	36	33.64%	89	62.24%	-118	-50.86%	76	200.00%
25	56	42	45	57	26	-14	-25.00%	3	7.14%	12	26.67%	-31	-54.39%	-30	-53.57%
20	1,430	2,053	2,970	4,828	740	623	43.57%	917	44.67%	1,858	62.56%	-4,088	-84.67%	-690	-48.25%

Appendix C

Felony Filings By District and Year Ranked from highest to Lowest increases and lowest to highest decreases															
						2000-01		2001-02		2002-03		2003-04		2000-2004	
District	2000	2001	2002	2003	2004	#	%	#	%	#	%	#	%	#	%
3	455	444	537	530	783	-11	-2.42%	93	20.95%	-7	-1.30%	253	47.74%	328	72.09%
2	684	661	782	749	992	-23	-3.36%	121	18.31%	-33	-4.22%	243	32.44%	308	45.03%
4	670	693	681	883	1,164	23	3.43%	-12	-1.73%	202	29.66%	281	31.82%	494	73.73%
13	849	867	979	924	1,204	18	2.12%	112	12.92%	-55	-5.62%	280	30.30%	355	41.81%
11	1,524	1,573	1,604	2,164	2,817	49	3.22%	31	1.97%	560	34.91%	653	30.18%	1,293	84.84%
27	322	326	330	340	435	4	1.24%	4	1.23%	10	3.03%	95	27.94%	113	35.09%
8	669	636	651	744	948	-33	-4.93%	15	2.36%	93	14.29%	204	27.42%	279	41.70%
23	666	654	937	807	1,013	-12	-1.80%	283	43.27%	-130	-13.87%	206	25.53%	347	52.10%
14	259	259	378	424	523	0	0.00%	119	45.95%	46	12.17%	99	23.35%	264	101.93%
28	380	448	441	476	584	68	17.89%	-7	-1.56%	35	7.94%	108	22.69%	204	53.68%
26	937	909	845	804	963	-28	-2.99%	-64	-7.04%	-41	-4.85%	159	19.78%	26	2.77%
29	440	460	608	499	580	20	4.55%	148	32.17%	-109	-17.93%	81	16.23%	140	31.82%
15	695	694	846	975	1,122	-1	-0.14%	152	21.90%	129	15.25%	147	15.08%	427	61.44%
18	714	774	746	772	881	60	8.40%	-28	-3.62%	26	3.49%	109	14.12%	167	23.39%
17	325	334	385	500	568	9	2.77%	51	15.27%	115	29.87%	68	13.60%	243	74.77%
19	847	972	846	892	1,011	125	14.76%	-126	-12.96%	46	5.44%	119	13.34%	164	19.36%
7	186	185	141	170	191	-1	-0.54%	-44	-23.78%	29	20.57%	21	12.35%	5	2.69%
12	1,078	967	1,076	1,107	1,241	-111	-10.30%	109	11.27%	31	2.88%	134	12.10%	163	15.12%
22	865	943	1,124	1,136	1,264	78	9.02%	181	19.19%	12	1.07%	128	11.27%	399	46.13%
25	682	566	707	683	724	-116	-17.01%	141	24.91%	-24	-3.39%	41	6.00%	42	6.16%
9	256	300	301	254	267	44	17.19%	1	0.33%	-47	-15.61%	13	5.12%	11	4.30%
20	3,810	4,075	4,061	4,605	4,772	265	6.96%	-14	-0.34%	544	13.40%	167	3.63%	962	25.25%
31	216	265	412	307	310	49	22.69%	147	55.47%	-105	-25.49%	3	0.98%	94	43.52%
30	9,440	8,853	9531	7857	7,841	-587	-6.22%	678	7.66%	-1,674	-17.56%	-16	-0.20%	-1,599	-16.94%
1	1,057	1,020	1,293	1,629	1,615	-37	-3.50%	273	26.76%	336	25.99%	-14	-0.86%	558	52.79%
21	588	640	648	776	757	52	8.84%	8	1.25%	128	19.75%	-19	-2.45%	169	28.74%
24	396	419	518	486	474	23	5.81%	99	23.63%	-32	-6.18%	-12	-2.47%	78	19.70%
10	754	832	928	1,384	1,302	78	10.34%	96	11.54%	456	49.14%	-82	-5.92%	548	72.68%
16	1,102	1,014	1,260	1,321	1,181	-88	-7.99%	246	24.26%	61	4.84%	-140	-10.60%	79	7.17%
5	246	175	257	373	324	-71	-28.86%	82	46.86%	116	45.14%	-49	-13.14%	78	31.71%
6	1,199	1,285	1,281	1,739	1,446	86	7.17%	-4	-0.31%	458	35.75%	-293	-16.85%	247	20.60%

Appendix D

TENNESSEE JUDICIAL DISTRICTS



- District 1 - Carter, Johnson, Unicoi, and Washington Counties
- District 2 - Sullivan County
- District 3 - Greene, Hamblen, Hancock, and Hawkins Counties
- District 4 - Cocke, Grainger, Jefferson, and Sevier Counties
- District 5 - Blount County
- District 6 - Knox County
- District 7 - Anderson County
- District 8 - Campbell, Claiborne, Fentress, Scott, and Union Counties
- District 9 - Loudon, Meigs, Morgan, and Roane Counties
- District 10 - Bradley, McMinn, Monroe, and Polk Counties
- District 11 - Hamilton County
- District 12 - Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie Counties
- District 13 - Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White Counties
- District 14 - Coffee County
- District 15 - Jackson, Macon, Smith, Trousdale, and Wilson Counties
- District 16 - Cannon and Rutherford Counties
- District 17 - Bedford, Lincoln, Marshall, and Moore Counties
- District 18 - Sumner County
- District 19 - Montgomery and Robertson Counties
- District 20 - Davidson County
- District 21 - Hickman, Lewis, Perry, and Williamson Counties
- District 22 - Giles, Lawrence, Maury, and Wayne Counties
- District 23 - Cheatham, Dickson, Houston, Humphreys, and Stewart Counties
- District 24 - Benton, Carroll, Decatur, Hardin and Henry Counties
- District 25 - Fayette, Hardeman, Lauderdale, McNairy, and Tipton Counties
- District 26 - Chester, Henderson, and Madison Counties
- District 27 - Obion and Weakley Counties
- District 28 - Crockett, Gibson, and Haywood Counties
- District 29 - Dyer and Lake Counties
- District 30 - Shelby County
- District 31 - Van Buren and Warren Counties

Appendix E

FY 2003-2004 Tennessee Weighted Caseload Model for State Court Judges

			District	District	District	District	District	District	District	District	District	District
			1	2	3	4	5	6	7	8	9	10
	Casetype	Case Weight	Case Filings per District									
1	Civil	92	1,253	1,110	1,353	1,678	697	4,601	998	939	1,003	1,301
2	Domestic	46	3,057	2,278	3,222	2,857	763	5,917	1,216	818	849	3,248
3	Probate	71	269	725	536	227	31	1,823	299	404	90	285
4	Felonies	73	1,615	992	783	1,164	324	1,446	191	948	267	1,302
5	Misdemeanor	34	311	175	164	262	94	659	227	468	106	292
6	Criminal Other	61	236	477	64	323	8	118	54	48	35	114
7	Total Filings		6,741	5,757	6,122	6,511	1,917	14,564	2,985	3,625	2,350	6,542
8	Civil Workload		274,997	258,383	310,744	301,915	101,423	824,907	168,981	152,700	137,720	289,335
9	Criminal Workload		142,865	107,463	66,639	113,583	27,336	135,162	24,955	88,044	25,230	111,928
10	Rural Adjustment (+)				56,607	62,325	19,314		29,090	36,112	24,443	60,189
11	Adjusted Workload		417,862	365,846	433,990	477,823	148,073	960,069	223,026	276,856	187,393	461,452
12	Judge Year		104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160
13	Travel Adjustment (-)**		6,225	6,225	6,225	6,225	280	280	280	9,154	6,225	6,225
14	Non-Casework Adj. (-)		13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243
15	Adjusted Judge Yr.		84,692	84,692	84,692	84,692	90,637	90,637	90,637	81,763	84,692	84,692
16	Total # of Judges		5	4	5	4.9	2.1	10	2	3	3	5
17	Judicial Res. Needed		4.93	4.32	5.12	5.64	1.63	10.59	2.46	3.39	2.21	5.45
18	FTE Deficit or Excess		0.07	-0.32	-0.12	-0.74	0.47	-0.59	-0.46	-0.39	0.79	-0.45
19	Child Support Referee		No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes
20	Category***		T	T	R	R	R	U	R	R	R	R
21	Civil Resources Needed		3.25	3.05	4.22	4.10	1.29	9.10	2.14	2.15	1.87	3.93
22	Criminal Resources Needed		1.69	1.27	0.90	1.54	0.35	1.49	0.32	1.24	0.34	1.52

** Travel adjusted based on High (9,154) Medium (6225), and Low (280) average travel time.

*** U = Urban (established economic center), T = Transitional (significant population gains and/or regional economic center), R = Rural.

Appendix E

FY 2003-2004 Tennessee Weighted Caseload Model for State Court Judges

		District	District	District	District	District	District	District	District	District	District	District
		11	12	13	14	15	16	17	18	19	20	21
	Casetype	Case Filings per District										
1	Civil	3,571	986	1,529	557	1,264	1,879	757	1,295	1,272	8,261	1,289
2	Domestic	3,507	2,988	1,226	728	1,653	3,046	2,258	2,136	2,366	4,790	2,110
3	Probate	1,222	231	231	177	173	44	356	479	440	2,081	529
4	Felonies	2,817	1,241	1,204	523	1,122	1,181	568	881	1,011	4,772	757
5	Misdemeanors	2,166	662	1,202	111	661	596	54	209	427	932	356
6	Criminal Other	120	47	196	28	34	47	230	92	79	740	124
7	Total Filings	13,403	6,155	5,588	2,124	4,907	6,793	4,223	5,092	5,595	21,576	5,165
8	Civil Workload	576,616	244,561	213,465	97,299	204,609	316,108	198,788	251,405	257,100	1,128,103	253,207
9	Criminal Workload	286,605	115,968	140,716	43,661	106,454	109,344	57,330	77,031	93,140	425,184	74,929
10	Rural Adjustment (+)		54,079	53,127	21,144	46,659		38,418				
11	Adjusted Workload	863,221	414,608	407,308	162,104	357,722	425,452	294,536	328,436	350,240	1,553,287	328,136
12	Judge Year	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160
13	Travel Adjustment (-)**	280	9,154	9,154	280	9,154	6,225	6,225	280	6,225	280	6,225
14	Non-Case Work Adjustment (-)	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243
15	Adjusted Judge Year	90,637	81,763	81,763	90,637	81,763	84,692	84,692	90,637	84,692	90,637	84,692
16	# Judges	9	4	5	2	4	5	3	3	4	17.25	4
17	Judicial Resources Needed	9.52	5.07	4.98	1.79	4.38	5.02	3.48	3.62	4.14	17.14	3.87
18	FTE Deficit or Excess	-0.52	-1.07	0.02	0.21	-0.38	-0.02	-0.48	-0.62	-0.14	0.11	0.13
19	Child Support Referee	No	Yes	No	No	No	No	No	No	No	No	No
20	Category***	U	R	R	R	R	T	R	T	T	U	T
21	Civil Resources Needed	6.36	3.44	3.00	1.23	2.88	3.73	2.70	2.77	3.04	12.45	2.99
22	Criminal Resources Needed	3.16	1.63	1.98	0.55	1.50	1.29	0.78	0.85	1.10	4.69	0.88
**		Travel adjusted based on High (9,154) Medium (6225), and Low (280) average travel time.										
***		U = Urban (established economic center), T = Transitional (significant population gains and/or regional economic center), R = Rural.										

Appendix E

FY 2003-2004 Tennessee Weighted Caseload Model for State Court Judges

		District	District	District	District	District	District	District	District	District	District	Totals
		22	23	24	25	26	27	28	29	30	31	
	Casetype	Case Filings per District										
1	Civil	1,461	773	939	1,137	1,814	759	645	594	7,197	353	53,265
2	Domestic	2,149	1,925	910	1,878	1,880	1,120	871	677	4,354	587	67,384
3	Probate	339	155	265	647	95	192	341	25	2,577	145	15,433
4	Felonies	1,264	1,013	474	724	963	435	584	580	7,841	310	39,297
5	Misdemeanors	709	422	40	138	320	56	243	65	3,335	152	15,614
6	Criminal Other	347	215	90	26	57	18	70	58	2,024	3	6,122
7	Total Filings	6,269	4,503	2,718	4,550	5,129	2,580	2,754	1,999	27,328	1,550	197,115
8	Civil Workload	257,335	170,671	147,063	236,929	260,113	134,980	123,617	87,565	1,045,375	69,773	
9	Criminal Workload	137,545	101,412	41,452	59,130	84,656	34,757	55,164	48,088	809,247	27,981	
10	Rural Adjustment (+)	59,232	40,812	28,277	44,409		25,461	26,817	20,348		14,663	
11	Adjusted Workload	454,112	312,895	216,792	340,468	344,769	195,198	205,598	156,001	1,854,622	112,417	
12	Judge Year	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	104,160	
13	Travel Adjustment (-)**	6,225	9,154	9,154	9,154	6,225	6,225	6,225	6,225	280	6225	
14	Non-Casework Adjustment (-)	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	13,243	
15	Adjusted Judge Year	84,692	81,763	81,763	81,763	84,692	84,692	84,692	84,692	90,637	84,692	
16	# Judges	4	3	3	4	4	2	2	2	24	1	153.25
17	Judicial Resources Needed	5.36	3.83	2.65	4.16	4.07	2.30	2.43	1.84	20.46	1.33	157.21
18	FTE Deficit or Excess	-1.36	-0.83	0.35	-0.16	-0.07	-0.30	-0.43	0.16	3.54	-0.33	-3.96
19	Child Support Referee	No	Yes	No	No	No	No	No	No	No	No	
20	Category***	R	R	R	R	T	R	R	R	U	R	
21	Civil Resources Needed	3.49	2.40	2.07	3.33	3.07	1.83	1.68	1.19	11.53	0.95	111.24
22	Criminal Resources Needed	1.87	1.43	0.58	0.83	1.00	0.47	0.75	0.65	8.93	0.38	45.97

** Travel adjusted based on High (9,154) Medium (6225), and Low (280) average travel time.

*** U = Urban (established economic center), T = Transitional (significant population gains and/or regional economic center), R = Rural.



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CORNELIA A. CLARK
Director

ELIZABETH A. SYKES
Deputy Director

MEMORANDUM

TO: Ethel Detch

FROM: Cornelia A. Clark
Director

DATE: January 5, 2005

RE: 2004 Judicial Weighted Caseload Update Comments



We have reviewed the draft 2004 weighted caseload study update received from the Comptroller's Office, and the data presented is an accurate reflection of what we collected and compiled for 2004. In reviewing the summary and the analysis there are two areas where we would like to offer some clarifying comments.

On page i the fourth paragraph contains a summary of the breakdown of, and trends in the case data for 2004. One category that is missing is probation violations. In FY 2004, there were over 20,000 probation violations reported to the AOC. That represents a 6% increase from FY 2003 and a significant amount of work by the judges involved. The reason the probation violation category is not mentioned is because the original weighted caseload study did not include them as a separate category. Instead, the study authors tried to reflect the time spent for probation violations by putting that effort in the time allocated in the case weights for felonies and misdemeanors. We do not feel that this accurately reflects the time spent for probation violations and that they should be tracked and counted as a completely separate category to more precisely capture the work spent on these case types.

The only other comment concerns the recommendations section on page 6. This section recommends the consideration of amending a statute to allow for the counting of Drug Court Case reviews. In our opinion, this would not correct the problem. Even if

the drug court reviews were counted, the study does not have a category or a weight for these types of cases/hearings. Instead, the time study that feeds the weighted caseload study needs to be redone to effectively assess the time utilized by the judges for drug court case reviews. The time study is now over 5 years old and drug court case reviews are just one example of how the work of the courts has changed in that time. There are many others. The new child support income shares calculations that go into effect January 18th will dramatically change the time spent by a judge on those cases. In addition, the determination of how Tennessee will be handling sentencing guidelines based on the recent ruling from United States Supreme Court in the *Blakely* case will also change the work effort required for certain case types. These are just a few instances where the current time study is outdated and these issues can only be corrected by conducting a new, updated time study.

Thank you for this opportunity to comment.

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